

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**IN RE: LUMBER LIQUIDATORS)
CHINESE-MANUFACTURED FLOORING)
PRODUCTS MARKETING, SALES)
PRACTICES AND PRODUCTS LIABILITY)
LITIGATION)
_____)**

MDL No.: 1:15-md-02627-AJT

THIS DOCUMENT RELATES TO ALL CASES

ORDER

On March 10, 2016, the Court heard Lumber Liquidators' Motion to Compel Plaintiffs to Permit Inspection and Testing of Plaintiffs' Flooring, (Doc. No. 848). The Court also heard Lumber Liquidators' Motion to Compel Further Responses to Certain Plaintiffs' Fact Sheets (Doc. No. 843). The Court ruled from the bench.

This Order memorializes the Court's rulings, and it is ORDERED as follows:

- 1) Lumber Liquidators' Motion to Compel Plaintiffs to Permit Inspection and Testing of Plaintiffs' Flooring (Doc. No. 848) is GRANTED.
 - a. The Court agrees with Lumber Liquidators that the inspection and sampling of flooring installed in plaintiffs' homes is reasonable in light of the claims that have been made or may be made in this litigation. The information sought is discoverable. The Court finds that the entry upon Plaintiffs' property and removal of one plank of Lumber Liquidators installed flooring is not unduly burdensome and does not create a hazard.
 - b. Counsel shall agree on a removal and replacement protocol that permits Lumber Liquidators to retain a qualified service provider to remove one plank of installed flooring at a time convenient to the plaintiffs (consistent with the

Court's Scheduling Order). Lumber Liquidators shall replace the removed plank with an excess plank that plaintiff has on hand or with a matching plank from Lumber Liquidators inventory. Lumber Liquidators will bear the cost of removal and replacement.

- c. Those plaintiffs who have removed their Lumber Liquidators flooring shall provide Lumber Liquidators with one plank of the removed flooring, and the protocol shall set the procedure to accomplish that.
- d. The protocol shall provide for chain of custody documentation.
- e. The parties should submit an Agreed Protocol to the Court no later than March 15, 2016.

2) With respect to Lumber Liquidators' Motion to Compel Further Responses to Certain Plaintiff's Fact Sheets (Doc. No. 843), the Court ordered Plaintiffs Elson and Lewis to provide a sworn verification of their supplemental Fact Sheet responses to Lumber Liquidators no later than close of business on March 11, 2016. The Court is advised that they have now done so, and that no more matters remain in controversy regarding that motion. Accordingly, the Court directs that the Clerk terminate that motion as moot.

_____/s/_____
Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia
March 12, 2016